

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DAROLD PALMORE,**

Plaintiff,

v.

**CLARION COUNTY, et al.,**

Defendants.

)  
) 2:18cv1447  
) Electronic Filing  
)  
) Judge David Stewart Cercone  
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)  
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**MEMORANDUM ORDER**

Darold Palmore, an individual formally confined in the Clarion County Corrections, filed this prisoner civil rights case on October 29, 2018.<sup>1</sup> Plaintiff's motion to proceed in forma pauperis was granted (ECF No. 3) and the case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Defendants filed a motion to dismiss (ECF No. 36), to which Plaintiff filed a response in opposition. (ECF No. 50). On July 29, 2019, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 51) recommending that the motion be denied. The parties were served with the Report and Recommendation and advised that any objections by Plaintiff must be filed by August 15, 2019, and any objections by Defendants must be filed by August 12, 2019.

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<sup>1</sup> At the time Plaintiff commenced this lawsuit he was an inmate in the custody of the Clarion County Corrections. On February 5, 2019, Plaintiff provided a change of address indicating that he had been released from custody. (ECF No. 40).

To date, neither Plaintiff nor Defendants have filed any objections to the Report and Recommendation nor has any party sought an extension of time in which to do so.<sup>2</sup>

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 21<sup>st</sup> day of August, 2019;

**IT IS ORDERED** that Defendants' motion to dismiss is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation filed on July 29, 2019 (ECF No. 51) is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants shall file a responsive pleading in accordance with Federal Rule of Civil Procedure 12(a)(4)(a).

This matter is referred back to Magistrate Judge Cynthia Reed Eddy for all for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.



David Stewart Cercone  
Senior United States District Judge

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<sup>2</sup> If a party does not file timely objections to a magistrate judge's report and recommendation, the party may lose its right to de novo review by the district court, although the court must still give "reasoned consideration" to the magistrate judge's report before adopting it. Hencerson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987).

cc: DAROLD PALMORE  
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(*Via First Class Mail*)

Marie Milie Jones, Esquire  
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(*Via CM/ECF Electronic Mail*)